

Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 OIC-04 AF-10 EA-11 EUR-25 NEA-14

RSC-01 CG-00 SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

PRS-01 SP-03 SS-20 FEA-02 AID-20 CEQ-02 COA-02

COME-00 EB-11 EPA-04 IO-14 NSF-04 SCI-06 ACDA-19

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OMB-01 CIEP-02 TRSE-00 DRC-01 /278 W

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC IMMEDIATE 4610

INFO USUN NEW YORK IMMEDIATE 0642

UNCLAS SECTION 1 OF 2 CARACAS 6361

DEPT. PASS ALL DIPLOMATIC POSTS

FROM US DEL LOS

FOR P AND USIA FOR IPS AND IBS

E.O. 11652: N/A

TAGS: PLOS

SUBJ: LOS PLENARY STATEMENT BY U.S.

1. AMBASSADOR STEVENSON WILL MAKE BASIC STATEMENT U.S. VIEWS ON LAW OF THE SEA NEGOTIATIONS IN PLENARY THURSDAY PROBABLY LATE MORNING. FINAL TEXT WILL BE TRANSMITED TO DEPT. AND USIA WEDNESDAY NIGHT. USIS HAS DONE FILM TAPING HIGHLIGHTS WITH STEVENSON. USDEL INTENDS RELEASE TEXT IN CARACAS AS SOON AS STATEMENT BEGINS PLENARY. FOLLOWING IS PRESS GUIDANCE ON HIGHLIGHTS SPEECH:

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AMB. JOHN R. STEVENSON, SPECIAL REPRESENTATIVE OF THE

PRESIDENT TO THE LAW OF THE SEA CONFERENCE, IN A PLENARY STATEMENT OF THE US POSITION TODAY STATED THAT THE US WOULD CONDITIONALLY ACCEPT A 200 MILE OUTER LIMIT OF COASTAL STATE JURISDICTION OVER RESOURCES AS PART OF AN OVERALL ACCEPTABLE LAW OF THE SEA TREAT.

NOTING THAT MOST DELEGATIONS DURING GENERAL DEBATE STATEMENTS HAD INDICATED WILLINGNESS TO ACCEPT UNDER CERTAIN CONDITIONS AND AS PART OF A PACKAGE SETTLEMENT, A MAXIMUM LIMIT OF 12 MILES FOR THE TERRITORIAL SEA, OF 200 MILES FOR AN ECONOMIC ZONE, AND AN INTERNATIONAL REGIME FOR THE DEEP SEABED BEYOND NATIONAL JURISDICTION AMB. STEVENSON SAID THAT QUOTE THE US HAS FOR A NUMBER OF YEARS INDICATED OUR FLEXIBILITY ON THE LIMITS OF COASTAL STATE RESOURCE JURISDICTION. UNQUOTE STEVENSON SAID THE US VIEW WAS THAT THE CONTENT OF THE LEGAL REGIME WITHIN COASTAL STATE RESOURCE JURISDICTION IS MORE IMPORTANT THAN THE LIMITS OF SUCH JURISDICTION. ACCORDINGLY, THE AMB SAID QUOTE WE ARE PREPARED TO ACCEPT AND INDEED WE WOULD WELCOME, GENERAL AGREEMENT ON A 12 MILE OUTER LIMIT FOR THE TERRITORIAL SEA AND A 200 MILE OUTER LIMIT FOR THE ECONOMIC ZONE PROVIDED IT IS A PART OF AN ACCEPTABLE COMPREHENSIVE PACKAGE, INCLUDING A SATISFACTORY REGIME WITHIN AND BEYOND THE ECONOMIC ZONE AND PROVISION FOR UNIMPEDED TRANSIT OF STRAITS USED FOR INTERNATIONAL NAVIGATION. UNQUOTE

STEVENSON ADDED THAT THERE REMAINED TWO ISSUES WITH RESPECT TO COASTAL STATE ECONOMIC JURISDICTION BEYOND 200 MILES: JURISDICTION OVER THE SEABED RESOURCES OF THE CONTINENTAL MARGIN WHEN IT EXTENDS BEYOND 200 MILES, AND JURISDICTION OVER ANADROMOUS SPECIES OF FISH SUCH AS SALMON, WHICH ORIGINATE IN COASTAL RIVERS BUT SWIM FAR OUT INTO THE OCEAN BEFORE RETURNING TO THE STREAM OF THEIR BIRTH TO SPAWN AND DIE.

NOTING THAT A NUMBER OF STATES CONSIDER THEY HAVE RIGHTS OVER SEABED RESOURCES OF THE CONTINENTAL MARGIN AND OTHERS ARE RELUCTANT TO REDUCE THE COMMON HERITAGE BY RECOGNIZING COASTAL STATE JURISDICTION BEYOND 200 MILES, STEVENSON SAID THAT ANOTHER APPROACH SUPPORTED BY THE U.S., WOULD GIVE COASTAL STATES THE LIMITS THEY SEEK BUT PROVIDE THROUGH UNIFORM PAYMENTS OF A PERCENTAGE OF THE VALUE OF PRODUCTION FOR THE SHARING BY OTHER STATES IN THE BENEFITS OF EXPLOITATION OF UNCLASSIFIED

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NON-RENEWABLE RESOURCES IN A PART OF THE AREA.

WITH RESPECT TO JURISDICTION OVER ANADROMUS FISH SUCH AS SALMON, STEVENSON SAID, THIS SPECIES OF FISH DEPENDS FOR SURVIVAL ON THE MAINTENANCE OF A FAVORABLE ENVIRONMENT IN COASTAL RIVERS AND STREAMS AND "CAN MOST EFFECTIVELY BE CONSERVED AND MANAGED IF CAUGHT WHEN RETURNING TO THE FRESH WATERS OF ITS ORIGIN, IN THE INTERNAL WATERS, TERRITORIAL SEA OR

ECONOMIC ZONE OF THE HOST STATE. THE VERY SURVIVAL OF THIS SPECIES OF FISH MAY DEPEND ON THE ACTION WE COLLECTIVELY TAKE AT THIS CONFERENCE UNQUOTE.

STEVENSON STATED THAT WITHIN THE 200 MILE ECONOMIC ZONE, A SATISFACTORY REGIME WOULD DEPEND UPON A BALANCE BETWEEN COASTAL STATE RIGHTS AND DUTIES.

ELABORATING ON THE ELEMENTS OF A COMPREHENSIVE TREATY AGREEMENT STEVENSON MADE THE FOLLOWING POINTS:

TERRITORIAL SEA: STEVENSON SAID THAT GENERAL RECOGNITION OF COASTAL STATE RIGHT TO ESTABLISH A TERRITORIAL SEA UP TO 12 MILES MUST BE ACCOMPANIED BY TREATY PROVISIONS FOR UNIMPEDED PASSAGE THROUGH, OVER, AND UNDER STRAITS USED FOR INTERNATIONAL NAVIGATION. HE SAID THAT TREATY LANGUAGE WAS NEEDED WHICH WOULD QUOTE MAINTAIN A NONDISCRIMINATORY RIGHT OF UNIMPEDED TRANSIT WHILE MEETING COASTAL STATE CONCERNS WITH RESPECT TO NAVIGATIONAL SAFETY, POLLUTION AND SECURITY. UNQUOTE

ECONOMIC ZONE: IN ANNOUNCING THE US WILLINGNESS TO ACCEPT CONDITIONALLY AN ECONOMIC RESOURCE ZONE LIMIT OF 200 MILES STEVENSON WENT INTO CONSIDERABLE DETAIL ON US VIEWS OF BALANCE OF RIGHTS AND DUTIES WITHIN ZONE. THE RIGHTS OF THE COASTAL STATE WOULD "COMPRISE FULL REGULATORY JURISDICTION OVER EXPLORATION AND EXPLOITATION OF SEABED RESOURCES, NON-RESOURCE DRILLING, FISHING FOR COASTAL AND ANADROMOUS SPECIES, AND INSTALLATIONS CONSTRUCTED FOR ECONOMIC PURPOSES. "FREEDOM OF NAVIGATION, OVERFLIGHT AND OTHER NON RESOURCE USES."

WITH RESPECT TO DUTIES IN THE ZONE AS A WHOLE THE AMBASSADOR STATED US VIEW THAT THESE INCLUDE COASTAL STATE DUTIES TO PREVENT UNJUSTIFIABLE INTERFERENCE WITH NAVIGATION, UNCLASSIFIED

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OVERFLIGHT AND OTHER NONRESOURCE USES, AND TO RESPECT INTERNATIONAL ENVIRONMENTAL OBLIGATIONS. WITH RESPECT TO EXPLOITATION OF THE SEABED WITHIN THE ZONE, THE U.S. ALSO CONTEMPLATES A COASTAL STATE DUTY TO OBSERVE EXPLORATION AND EXPLOITATION ARRANGEMENTS IT ENTERS INTO.

WITH REGARD TO FISHERIES THE AMBASSADOR SAID THAT "TO THE EXTENT THAT THE COASTAL STATE DOES NOT FULLY UTILIZE A FISHERY RESOURCE, WE CONTEMPLATE A COASTAL STATE DUTY TO STEVENSON

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ACTION DLOS-07

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC IMMEDIATE 4611

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PERMIT FOREIGN FISHING UNDER REASONABLE COASTAL STATE REGULATIONS. THESE REGULATIONS WOULD INCLUDE CONSERVATION MEASURES AND PROVISION FOR HARVESTING BY COASTAL STATE VESSELS UP TO THEIR CAPACITY AND COULD INCLUDE TXBNVJXMENO ROFNJNRDJFONJBGDNGICENSE#FEE BY FOREIGN FISHERMEN. WE ALSO CONTEMPLATE A DUTY FOR THE COASTAL STATE AND ALL OTHER FISHING STATES TO COOPERATE WITH EACH OTHER IN FORMULATING EQUITABLE INTERNATIONAL AND REGIONAL CONSERVATION AND ALLOCATION REGULATIONS FOR HIGHLY MIGRATORY SPECIES."

IN HIS DISCUSSION OF THE COASTAL ECONOMIC ZONE STEVENSON ALSO SAID THAT ACCEPTANCE OF A 200 MILE ZONE, "DOES NOT INCLUDE ACCEPTANCE OF COASTAL STATE CONTROL OVER SCIENTIFIC RESEARCH AND VESSEL SOURCE POLLUTION WITHIN THE ZONE." NOTING THAT VESSEL SOURCE POLLUTION PRESENTS A TROUBLESOME PROBLEM TO THE ENTIRE INTERNATIONAL COMMUNITY, WHILE AT THE SAME TIME FREEDOM OF NAVIGATION MUST BE PRESERVED, THE AMB
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SUGGESTED THAT INTERNATIONAL STANDARDS ENFORCED BY FLAG AND PORT STATES WITH PROVISION FOR SPECIFIC ADDITIONAL COASTAL STATE ENFORCEMENT RIGHTS CAN ACCOMMODATE THESE INTERESTS."

IN ADDITION TO REVIEW OF US POSITION ON REGIME WITHIN THE ECONOMIC ZONE, STATEMENT ALSO TOOK UP QUESTION OF INTERNATIONAL SEABED REGIME, INTERESTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, AND DISPUTE SETTLEMENT.

REPEATING THESIS THAT ESSENCE OF LAW OF SEA TREATY IN ALL ASPECTS DEPENDS ON SUCCESSFUL NEGOTIATION OF BALANCE OF RIGHTS AND DUTIES, STEVENSON SAID THAT THE INTERNATIONAL AUTHORITY'S JURISDICTION OVER THE EXPLOITATION OF DEEP SEABED RESOURCES MUST BE "BALANCED BY DUTIES THAT PROTECT THE RIGHTS OF INDIVIDUAL STATES AND THEIR NATIONALS... MOST CRITICALLY IN OUR VIEW THEIR RIGHT TO NON-DISCRIMINATORY ACCESS UNDER REASONABLE CONDITIONS TO THE SEABEDS RESOURCES ON A BASIS THAT ENCOURAGES DEVELOPMENT AND PROVIDES FOR THE SHARING OF THE BENEFITS OF THEIR EXPLOITATION WITH OTHER STATES."

REFERRING TO THE PROGRESS OF NEGOTIATIONS AND THE PROBLEM OF UNILATERAL INTERPRETATION OF FINAL TREATY AGREEMENTS STEVENSON EMPHASIZED THAT IN US VIEW A "SYSTEM OF PEACEFUL AND COMPULSORY THIRD PARTY SETTLEMENT OF DISPUTES IS IN THE END PERHAPS THE MOST SIGNIFICANT JUSTIFICATION FOR THE ACCOMMODATIONS WE ARE ALL BEING ASKED TO MAKE."

WHAT IS REQUIRED STEVENSON SAID IS "THE POLITICAL WILL TO DECIDE A RELATIVELY SMALL NUMBER OF CRITICAL ISSUES." FAILURE TO TAKE THESE STEPS TO REACH AGREEMENT IN CARACAS MIGHT, STEVENSON WARNED, MAKE IT IMPOSSIBLE TO FINISH NEXT YEAR OR TO PREVENT IN THE INTERIM UNILATERAL ACTION PREJUDICIAL TO THE OUTCOME. NEGOTIATION OF THESE TEXTS, STEVENSON SAID IN CONCLUSION, ARE NOT MERELY THE LEGAL FINE PRINT TO BE FILLED IN BUT THE "VERY HEART OF THE CONDITIONAL CONSENSUS WE ARE WELL ON THE WAY TO ACHIEVING." STEVENSON

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